

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 136C.3, the Department of Public Health hereby amends Chapter 38, “General Provisions for Radiation Machines and Radioactive Materials,” Chapter 39, “Registration of Radiation Machine Facilities, Licensure of Radioactive Materials and Transportation of Radioactive Materials,” Chapter 40, “Standards for Protection Against Radiation,” Chapter 41, “Safety Requirements for the Use of Radiation Machines and Certain Uses of Radioactive Materials,” and Chapter 45, “Radiation Safety Requirements for Industrial Radiographic Operations,” Iowa Administrative Code.

Items 1, 9, 21, 32, and 62 amend rules to reflect current federal regulations. Items 5 and 6 add electronic brachytherapy devices to subrule 38.8(1). Item 7 adds the radioactive material fee schedule to rule 641—38.8(136C) and includes a general license registration fee. Item 8 clarifies payment requirements to obtain permits for radioactive material shipments. Item 10 resolves comment #1 in Nuclear Regulatory Commission (NRC) letter to the Department dated 9/16/2009. Item 31 corrects the location of values for Sulfer-35. Item 33 clarifies the requirement for assay of doses. Item 63 ensures proper training is completed prior to the examination. The remaining items amend the rules to meet NRC compatibility requirements.

Notice of Intended Action was published in the May 19, 2010, Iowa Administrative Bulletin as **ARC 8762B**. Comments were received from one individual. Most of the changes suggested cannot be made because the changes would not be compatible with federal requirements. However, subparagraph 41.2(34)“b”(2) in Item 36 has been changed as a result of the comments. Subparagraph 41.2(34)“b”(2) now reads as follows:

“(2) Rubidium-82 radiopharmaceuticals from strontium-82/rubidium-82 generators shall measure the strontium-82 and strontium-85 concentration before the first patient use of the day.”

These amendments were adopted by the State Board of Health on July 14, 2010.

These amendments will become effective on September 15, 2010.

These amendments are intended to implement Iowa Code chapter 136C.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 38 to 41, 45] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 8762B**, IAB 5/19/10.

[Filed 7/14/10, effective 9/15/10]

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[For replacement pages for IAC, see IAC Supplement 8/11/10.]